



Docket No.
18810-81652

Declaration For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHODS OF DIAGNOSING AND TREATING SMALL INTESTINAL BACTERIAL OVERGROWTH
(SIBO) AND SIBO-RELATED CONDITIONS**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on April 17, 2001 as United States Application No. or PCT International
Application Number 09/837,797

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

PCT/US01/11238

PCT

04/07/01

☐

(Number)

(Country)

(Day/Month/Year Filed)

PCT/US00/22168

PCT

08/11/00

☐

(Number)

(Country)

(Day/Month/Year Filed)

PCT/US00/22030

PCT

08/11/00

☐

(Number)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

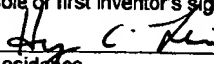
(Application Serial No.)

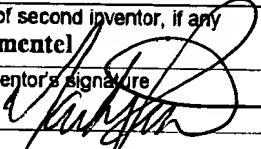
(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, CFR, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

Continuation-in-part of U.S. Patent Application Serial No. 09/374,142, filed on August 11, 1999, **pending**
Continuation-in-part of U.S. Patent Application Serial No. 09/374,143, filed on August 11, 1999; **pending**
Also a continuation-in-part of U.S. Patent Application Serial No. 09/548,119, filed on April 10, 2000, **pending**
which is a continuation-in-part of U.S. Patent Application Serial No. 09/420,048, filed October 18, 1999, **pending**
which is a continuation-in-part of U.S. Patent Application Serial No. 09/359,583, filed on July 22, 1999, **abandoned**
which was a continuation of U.S. Patent Application Serial No. 08/832,307, filed on April 3, 1997 and issued as
U.S. Patent No. 5,977,175 on November 2, 1999
which was a continuation of U.S. Patent Application Serial 08442,843, filed on May 17, 1995, **abandoned**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Henry C. Lin	
Sole or first inventor's signature 	Date 8/6/01
Residence 868 Third Street, Manhattan Beach, CA 90266	
Citizenship U.S.A.	
Post Office Address Same as above	

Full name of second inventor, if any Mark Pimentel	
Second inventor's signature 	Date 8/6/01
Residence 467 South Arnaz Drive, Apt. 401, Los Angeles, CA 90048	
Citizenship Canada	
Post Office Address Same as above	

Full name of third inventor, if any	
Third inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Our Docket No. (18810-81652)



PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Henry C. Lin and Mark Pimentel
Serial No.: 09/837,797
Filed on: April 17, 2001
Title: METHODS OF DIAGNOSING AND TREATING SMALL INTESTINAL
BACTERIAL OVERGROWTH (SIBO) AND SIBO-RELATED
CONDITIONS

CERTIFICATE UNDER 37 C.F.R. 3.73(b) ESTABLISHING RIGHT OF ASSIGNEE TO
PROSECUTE

BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, D. C. 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO BOX MISSING PARTS, THE ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D. C. 20231, ON <u>August 6, 2001</u>	
BY <u>[Signature]</u>	<u>Ann Weiss</u>
<u>August 6, 2001</u>	
Date of Signature	

Dear Sir or Madam:

CEDARS-SINAI MEDICAL CENTER

certifies that it is the assignee of the entire right, title and interest in the patent application identified
above by virtue of chain of title from the inventor, of the patent application identified above, to the
current assignee as shown below:

1. From: Henry C. Lin and Mark Pimentel

To: CEDARS-SINAI MEDICAL CENTER

The document is being filed herewith with the Patent and Trademark Office. A copy
thereof is attached.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of
the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all
statements made on information and belief are believed to be true; and further, that these statements are
made with the knowledge that willful false statements, and the like so made, are punishable by fine or
imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false
statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 6/28/01

Name: Peter E. Braveman, Esq.

Title: Senior Vice President of Legal Affairs and Deputy Counsel

Signature: [Signature]

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(d) AND 1.27 (d)) - NONPROFIT ORGANIZATION**

Docket No.
18810-81652

Serial No.
09/837,797

Filing Date
April 17, 2001

Patent No.
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Issue Date
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Applicant/ Patentee: Henry C. Pimentel

Invention: **METHODS OF DIAGNOSING AND TREATING SMALL INTESTINAL BACTERIAL
OVERGROWTH (SIBO) AND SIBO-RELATED CONDITIONS**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: Cedars-Sinai Medical Center

ADDRESS OF ORGANIZATION: 8700 Beverly Boulevard
Los Angeles, CA 90048-1865
TYPE OF NONPROFIT ORGANIZATION:

- ☐ University or other Institute of Higher Education
- ☒ Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3))
- ☐ Nonprofit Scientific or Educational under Statute of State of The United States of America
Name of State: _____ Citation of Statute: _____
- ☐ Would Qualify as Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)) if Located in The United States of America
- ☐ Would Qualify as Nonprofit Scientific or Educational under Statute of State of The United States of America if Located in The United States of America
Name of State: _____ Citation of Statute: _____

I hereby declare that the above-identified nonprofit organization qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification to be filed herewith.
- ☒ the application identified above.
- ☐ the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the above-identified nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.
☐ each such person, concern or organization is listed below.

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Peter E. Braveman, Esq.

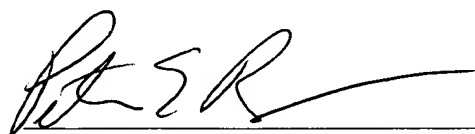
TITLE IN ORGANIZATION:

Senior Vice President of Legal Affairs and Deputy Counsel

ADDRESS OF PERSON SIGNING:

Cedars-Sinai Medical Center
8700 Beverly Boulevard
Los Angeles, CA 90048-1865

SIGNATURE:



DATE:

6/28/01